

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010, CG Docket No. 10-213; Amendments to the Commission's Rules Implementing Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996, WT Docket No. 96-198; In the Matter of Accessible Mobile Phone Options for People who are Blind, Deaf-Blind, or Have Low Vision, CG Docket No. 10-145

When Congress enacted the Twenty-First Century Communications and Video Accessibility Act of 2010, it sent three profound messages. First, as advanced communications services become more prevalent, we should no longer view them as luxuries, but as necessities. Second, the 54 million people living with disabilities in our Nation deserve greater access to these increasingly important services. Third, the communications industry must do more to promote accessibility to this community. The legislative history makes clear that a collaborative, bi-partisan effort was critical to the statute's enactment.

Congress properly directed the Commission to address a number of challenging implementation issues. Perhaps the most difficult one for me was whether we should interpret Section 716(a) of the CVAA to impose independent regulatory obligations on providers of software that the end user acquires separately from equipment used for advanced communications services. I see reasonable arguments on both sides of this issue. I voted to support the interpretation in the Report and Order for a few reasons. First, the interpretation we adopt for Section 716(b), with regard to the services that are covered under the CVAA, includes the services that advocates for people living with disabilities said should be covered. In fact, the Report and Order lists the specific services these advocates cited in a recent ex parte filing. In addition, the biennial review process the Act mandates will give us the opportunity to monitor the industry and determine, in the future, whether application of the CVAA's requirements directly to developers of consumer installed software is warranted. The dispute assistance and enforcement procedures we adopted should create the proper incentives for the industry to negotiate with advocates for the disabled community to promote greater accessibility of advanced communications services. I hope the industry and consumer advocates will approach any remaining disputes with the same collaborative energy that made the Act possible.

I commend Joel Gurin, Ruth Milkman, Rick Kaplan, Michele Ellison, and their talented staff members. They worked diligently, over the past year, to present us with an item that complies with both the language and spirit of the most significant accessibility legislation since the Americans with Disabilities Act.